

Message

From: Ross, David P [ross.davidp@epa.gov]
Sent: 4/5/2019 11:22:50 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]
Subject: Re: FY 2020 EPA Budget Hearings: PFAS

Thanks.

Sent from my iPhone

On Apr 5, 2019, at 7:09 PM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

I've asked our team for something on the ban by 10am Monday. Let's hope it's covered.

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: 202-564-1273
beck.nancy@epa.gov

On Apr 5, 2019, at 7:01 PM, Ross, David P <ross.davidp@epa.gov> wrote:

I can't remember if you agreed to address this or if I was going to provide some of the talking points. Let me know. Thx.

Sent from my iPhone

Begin forwarded message:

From: "Kramer, Jessica L." <kramer.jessical@epa.gov>
Date: April 5, 2019 at 5:56:55 PM EDT
To: "Lyons, Troy" <lyons.troy@epa.gov>
Cc: "Ross, David P" <ross.davidp@epa.gov>
Subject: FW: FY 2020 EPA Budget Hearings: PFAS

Hi Troy,

It looks like Susan has addressed two of the three issues we (OW) identified while reviewing the Administrator's testimony – the HA not being a regulatory standard and the number of enforcement actions EPA has assisted with.

The third item we identified for clarification is the Administrator's statements on whether PFOS and PFOA have been banned. We assume Nancy Beck is taking a run at this one, but please let us know if that is not the case or if there is anything else we can do to help with this.

Thanks and have a great weekend!

Jess Kramer

Jessica L. Kramer
Policy Counsel to the Assistant Administrator
Office of Water
(202) 564-6322

From: Ross, David P
Sent: Friday, April 5, 2019 5:29 PM
To: Kramer, Jessica L. <kramer.jessical@epa.gov>
Subject: Fwd: FY 2020 EPA Budget Hearings: PFAS

Sent from my iPad

Begin forwarded message:

From: "Bodine, Susan" <bodine.susan@epa.gov>
Date: April 5, 2019 at 5:25:37 PM EDT
To: "Lyons, Troy" <lyons.troy@epa.gov>, "Wehrum, Bill" <Wehrum.Bill@epa.gov>, "Ross, David P" <ross.davidp@epa.gov>, "Dunn, Alexandra" <dunn.alexandra@epa.gov>, "Dunlap, David" <dunlap.david@epa.gov>, "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>, "Wright, Peter" <wright.peter@epa.gov>, "McIntosh, Chad" <mcintosh.chad@epa.gov>, "Greaves, Holly" <greaves.holly@epa.gov>, "Schiermeyer, Corry" <schiermeyer.corry@epa.gov>, "Beck, Nancy" <Beck.Nancy@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>
Cc: "Bolen, Brittany" <bolen.brittany@epa.gov>, "Jackson, Ryan" <jackson.ryan@epa.gov>, "Molina, Michael" <molina.michael@epa.gov>, "Darwin, Henry" <darwin.henry@epa.gov>
Subject: RE: FY 2020 EPA Budget Hearings: PFAS

Attached are updated talking points with some nuance on enforcement.

I am assuming OGC is providing talking points on our inability to help NM with the state's offensive litigation against the United States. I added a note saying that was not included under the "working with states" bullet point.

We help states and local governments get action from federal facilities through our data collection, persuasion, CERCLA authorities if listed on the NPL, and also our emergency order authorities.

Also, for Nancy and Alex on PFAS bans. I note that fire fighting foam is still required by DOD's military specs and by FAA at commercial airports. Recent legislation on these uses:

The FY 2018 NDAA (P.L. 115-91) at section 1059 requires DOD to report to the Armed Services committees on DOD's progress in *"developing a new military specification for safe and effective alternatives to aqueous film forming foam (hereinafter referred to as "AFFF") that do not contain perfluorooctanoic acid (hereinafter referred to as "PFOA") or perfluorooctanesulfonic acid (hereinafter referred to as "PFOS")."*

The FAA Reauthorization Act of 2018 (P.L. 115-254) directs FAA to stop requiring commercial airports to use the foam with perfluorinated compounds.

SEC. 332. AIRPORT RESCUE AND FIREFIGHTING.

(a) FIREFIGHTING FOAM. —Not later than 3 years after the date of enactment of this Act, the Administrator, using the latest version of National Fire Protection Association 403, "Standard for Aircraft Rescue and Fire-Fighting Services at Airports", and in coordination with the Administrator of the Environmental Protection Agency, aircraft manufacturers and airports, shall not require the use of fluorinated chemicals to meet the performance standards referenced in chapter 6 of AC No: 150/5210-6D and acceptable under 139.319(l) of title 14, Code of Federal Regulations.

From: Lyons, Troy

Sent: Thursday, April 4, 2019 3:01 PM

To: Wehrum, Bill <Wehrum.Bill@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Dunlap, David <dunlap.david@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Wright, Peter <wright.peter@epa.gov>; McIntosh, Chad <mcintosh.chad@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>

Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Molina, Michael <molina.michael@epa.gov>; Darwin, Henry <darwin.henry@epa.gov>

Subject: FY 2020 EPA Budget Hearings: PFAS

Importance: High

Colleagues: please find below the time slots indicating when PFAS was brought up in the budget hearings. The person who usually formats these into clips is out of town, so you will need to fast forward to the times listed below.

A link to the Senate Interior Approps hearing may be found [here](#)

1. Murkowski: 46:00—50:45
2. Tester: 53:13—54:33
3. Udall: 1:59:00—2:01:32

Troy M. Lyons

Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
202-309-2490 (cell)

<PFAS Enforcement Talking Points - Nuanced.docx>